Remarks

Claims 1, 3-32 and 40-46, inclusive, are under consideration. Claims 2 and 33-35 have been canceled. Claims 36-39 and 47 are withdrawn from consideration as directed to nonelected subject matter.

Claims 1-32 and 40-46 were rejected under 35 U.S.C. 102(e) as anticipated by Yuen et al. (U.S. 2003/0194200 A1). Applicant submits that, for the reasons discussed herein, the rejection is obviated.

Applicant's amended claim 1 requires that the means for determining video media position and the means for identifying the contents of the video media are based on signals present on the video output terminal and that the video media position is determined by establishing a match or relationship using data contents stored on the media. Applicant's system thus requires that the video media position is determined from data contents stored on the media. This is not suggested or taught by Yuen. Yuen instead requires a different determination as set out in the rejection of applicant's claim 3:

> [0255] For HR and RI tapes, the directories are stored in the RAM 33 and referenced either by the TIDs which are written repeatedly on line 19 of the VBI for HR tapes or by a tape number inputted by the user, which the indexing VCR 10 uses to cross reference to a TID for RI tapes. For PR tapes, the directory is written repeatedly, preferably as often as space allows, on line 20 of both fields of the VBI. Alternatively, the directory is written repeatedly on a line pointed to by a pointer in line 21, field 2. As a default, if the indexing VCR 10 cannot find a pointer in line 21, it looks for the directory in line 20. The recording format is per the E.I.A. specifications on Extended Data Services. The directory is stored as D(N) data packets, defined below in conjunction with FIG. 25, which contains all the information that relates to a program entry in the directory. Alternatively, the D(N) packet may be written in two or more lines to speed up the read process. Also, the D(N) packet may be written at a faster rate, such as two to four times faster, than the

> E.I.A. specification. The D(N) data packet contains a program entry where N ranges from 1 to the maximum program numbers in the directory. For PR tapes, the TID and the program number are repeatedly written on both fields of line 19 of the VBI.
>
> [0256] For RI tapes, the RAM 33 is capable of storing the program number and up to 32 characters per title.
>
> [0257] When a PR tape is inserted into an indexing VCR 10, the indexing VCR 10 reads the VBI line 19 to quickly determine the TID and program number and then stops. When the user presses the Index button, the indexing VCR 10 determines from the TID that the tape is not a HR tape. The indexing VCR 10 then goes into PLAY mode and reads the directory from VBI line 20 and displays it on-screen.

As can be seen from the above, nowhere does Yuen et al. refer to data content stored on the media, let alone teach applicant's claimed arrangement in which the video media position is determined by establishing a match or relationship using data contents stored on the media. Accordingly, the rejection of claim 1 under 35 U.S.C. 102(e) is believed to have been fully overcome. The remaining claims now pending in the application depend directly or indirectly from claim 1 and accordingly are believed to be patentable for the reasons set

forth above with respect to claim 1.

Applicant further respectfully submits that pending claims 1, 3-32 and 40-46 are now in condition for allowance and favorable action is now requested. The amendment and arguments presented herein were not raised earlier, since they respond to issues raised for the first time in the final Office Action.

Respectfully submitted,

November 29, 2006 By _____

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CERTIFICATE OF MAILING

I hereby certify that this paper and its attachments are being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 29, 2006.

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Michael A. Hierl